

THE N 141

Order of keeping a

Court Leete, and Court Ba-

ron: *with the charges appertayning*
to the same:

Truely and playnly deliuered in the En-
glish tongue, for the profite of all men,
and most commodious for young Stu-
 dents of the lawes, and all others within
the iurisdiction of those
Courtes.

By *Ionas Adamet.*

Quicquid agas prudenter agas, & Respice finem.



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& are to be sold at the little North doore of Saint Pauls
Church, at the signe of the Blacke-boy. 1593.

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Order of keeping

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Important for the
Church and the
State



THE ORDER OF Court Leete, and Court Baron.



First, there shall be a precept made by the Steward unto the Bayliffe, to warne the Court by a reasonable time: that is to say, five or more dayes before the Court be kept, in such forme as followeth: but it is the better, if warning be sirteene daies before, as it is in the Common Bancke.

The Precept.

*Black-
forde.* **A** B generos. Senescal. Manerij prædicti Balivo e-
iusdē Salutē. Tibi præcipio pariter & mado, quod
diligenter præmonere facias omnes tenentes infra Mane-
rium prædictū, tam residentes quam non residentes, atq;
omnes Tenentes Customarios Manerij prædicti, quod sint
coram me in hac parte sufficienter deputato apud Blackford
prædictam, die Iouis vicesimo sexto die Martij, proxime fu-
turo post datum huius, ad faciendum sectam suam, tam ad
visum Franc. Pleg. quam ad Curiam Baron. & omnia alia
quæ eis incūbent, & pertinebūt, & hæc nullatenus omittas,
& habeas ibi hoc præceptum: Datum sub sigillo meo, deci-
mo die huius mensis Martij. A^o. Regni Elizabeth Dei gra-
tia Angliæ, Franc. & Hiberniæ Reginæ, fidei defensor. &c.
Vicesimo quarto.

Court Leete,

After that the Steward is set in the Court, he must first enter in writing the title of the Court in the beginning of the Court Rolle, with the name of the place in such forme as followeth.

*The entrie of the Court Leete, and
Court Baron.*

Blackforde.

Visus Franc. Pleg. cum Curia C. L. generosi Domini eiusdem ibidem tent. die Iouis, videlicet vicesimo sexto die Martij, An. Regni Domine nostrae Elizabeth Dei gratia Angliae, Franc. & Hiberniae Reginae, fidei defensoris, &c. vicesimo tertio tent. per A. B. Senescallum ibidem.

When that is done, the Steward shall cause the Wap-
+ liffe which serueth the Court, if it be in a Leete, to make proclamations, that is to say, three Oyes: and if it be in a Court Baron, then but one, and after shall say as followeth.

All manner of persons which had warning to appeare here this day, to serue the Quenes Maestie for her Leete, and the Lord of the Manour for his Court now holden, draw nere and giue your attendaunce, and euery one answere to his name as he shall be called, vpon payne and perill that may fall thereof.

And after all be called, and those that are absent bee marked to be amerced, then the Steward shall cause a gayne (if it be in a Leete) to be made other three Oyes. Then after the three proclamations made, the Steward shall cause the Wapliffe to saie.

If anie will bee Essoynd, come in and you shall bee heard.

And in a Court Baron, if any will be essoyned or enter any playnt, come in, and you shall be heard, and then the Steward shall say, Essoynes and proffers of suite and plee three times, and in the end Essoynes for this day.

Then

and Court Baron.

3.

Then if there bee any person that hath any lawfull impediment that he cannot bee here as he is bound, let one aske an Essoyne for him (the Court sitting) to save his default.

And then the Steward shall enter the Essoyne in the Court Rolle in this manner.

The manner of entering the
Essoynes.

A. B. per C. D. essoniatu de coi. & sic de alijs. Loke also if there bee any Tenaunt in the Manour that hath any action, or cause of action, sithence the last Court day, let him put in his playnt the Court sitting, and it shalbe entered.

Loke also if there be any precepts, attachments or distresses hanging in the Court Roles enquire of them openly in the Court, and knowe if the Baylie haue serued them.

Also if there be any old playntes hanging in the Court Role before this Court holden, cause the parties to be called, and before the enquest be charged, knowe if the plainte shall passe by the homage.

What done the enquest shalbe empanneled. Then bid the Foreman lay his hand vpon the booke, and sweare him in some following.

The Oth of the Foreman.

Cause the Baylie to holde the booke vnto the partie or parties sworne, but the Steward shall giue the Oth.

Y Du shall diligently enquire, and true presentment make of all such things as you shall be charged with, concerning as well the Quenes Maiesties Lete, as the Lords Court of the Manour: you shall well and truly

*If the Court Baron be kept by it selfe, there shall be omitted in this oth these words, *the Queenes counsell*, for that it is not the Queenes Court, but the Leete is.

keepe the Queenes Counsell, your felloppes and your owne: you shall not conceale nor hide any thing for favour, feare, promise, or affection you beare to any person or persons, or present any thing for hatred or malice you beare to any man: but you shall present and tell the truth, the whole truth, and nothing but the truth, to helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

After the foreman is swozne by himselfe, cause three or foure of th'enquest to lay their right hands together on the booke, and giue them their oth, as followeth.

The Oth of the rest of the Iurie.

AL such oth as A. B. hath made before you on his behalfe, you and euery of you shall well & truely keepe on your behalves, to helpe you God and by the contents of this booke.

And then cause euery one that is swozne to kisse the booke.

And so in like manner sweare the rest.

After they be swozne, cause the Baylie to number them that be swozne, as the Steward doth reade them.

The Proclamation after the Oth taken.

Then make proclamation and say thus. All you that be here swozne, draw neere and heare your charge, and all the rest keepe silence, vpon paine and perill that shall come thereof. Before the charge, gather the common fine, which the Tenants doe pay euery Leete, according to the custome of the Mannor.

The

and Court Baron.

The exhortation to be giuen vnto the Iurie before
the charge, to consider their Oth.

Masters, the charge which you haue promised by your
Othes to obserue, toucheth and concerneth diuers
good lawes and statutes made for the whole Common-
weale of this Realme, and also for the pinate wealth of
euery of you, which matters the Lord of this Fraun-
ches considering, and wishing your wealth and quiet-
nes, willing also good orders to be obserued and kept a-
mong you, and that right and equitie might be ministered
to euery of you, hath caused therefore the Quenes Ma-
iesties Lette and her Court to be sommoned and kept
here as this day: I will therefore by your fauour, before
I enter into the matters of your charge, declare vnto
you by what authoritie you are brought hither, and
wherein you are bound to serue.

1. One cause is, for that the Quenes Maiestie and her
noble progenitors haue giuen and granted vnto the
Lord of this Mannor, a strength and power to keepe a
Lete or Law day at two times in the yeare, which Let
or Law day at the Hed-borowes, Tythingmen and De-
siners, and all other persons which be resident or dwel-
ling within this Lete, being of the age of twelve yeares
or aboue, are bound by the lawe of this Realme to ap-
peare: for that there they may heare the Lawes and
Statutes opened and declared, that thereby they may
know and auoyd the daungers of the same, and further
to enquire of the breakers of the same: and present them,
that such offenders might be punished.

2. The other cause or authoritie is, for that you be the
Lords Tenants, and are bound by reason of your Te-
nure to appeare at the Lord his Court Baron, when it
shall happen to be kept according to the law, that is to
say, at euery thre weekes ende, and being here by these
two

+ two authorities, you are bound to serue in all such things, as you are loyally and lawfully charged withall, as well concerning the Quenes Maiesties Leete, as the Lords Court Barron.

And thus you haue heard in brieve, the causes wherby you are bound to come to this Leete and Court Barron.

Also to the entent that this your Oth which you haue taken, may be the better knowne, I thinke it good by your patience somewhat to say concerning the same.

Y First in swearing, three things chiefly ought to be considered: The first is, that you swear truly, that is, you must seclude all fauour and affection to the parties, not fearing the rich, nor pitying the poore, not considering the simplenes of any person, nor the smalnes of the offence, but hauing the truth onely before your eyes, for loue thereof say and speake that which you knowe to be true, and no further.

*Caput. 6.

+ The second is, you must swear in righteousnes, that is, for the very zeale and desire you haue in the declaring of the truth, for the executing of iustice, for the obseruing of covenants, honest promises, Statutes, lawes, & good Customes, and hauing a respect in doing and performing these things, you doe that which is to the glorie of God, the honoz of the Quene, the preservation of the people and Common-weale: and this manner of swearing is commanded of almighty God Deutonomie, saying: Thou shalt feare the Lord thy God and serue him, & shalt swear by his name. That is, we must serue God onely, feare him and confesse his holy name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commanded, but the same conditionally, which is, we must swear in truth, in iudgement, and in righteousnes, &c.

Thirdly, in swearing and taking an oth, you must doe it with iudgement, not rashly nor vnadvisedly, but soberly,

and Court Baron.

ly, considering what an Oth is: and to put you in minde thereof, I will in fewe words declare what an Oth is.

1. An Oth is the calling or taking to witnesse of God his name, to confirme the truth of that we say. And S. Paul

sayth, * An oth for confirmation is among men an end of all strife. For in doubtfull and obscure matters, where the knowledge of men faileth, we flye vnto God, that he which is the onely truth, may giue testimonie vnto the

*Hebrues 6.
vers. 16. 17.

2. truth, and he which bleseth God for a witnesse, doth also call for reuenge of periurie at his hands, if he deceine and speake not the truth: also in laying your hands vpon the booke, you doe sweare, truly to enquire and make a true presentment of those things wherewith you be charged, and not to let from saying the truth, and doing truly,

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3. for fauour, feare, loue or malice of any person: you must consider that in the same booke is conteyned God his euerlasting truth and most holy word, whereby we haue remission and forgiveness of our sinnes and euerlasting life. Also in the Gospell book is contained God his plagues and threats to obstinate sinners, periured men, false witnesse-bearers, cōdemners of innocent and guiltlesse persons, so that if you willingly forswear your selues, you vtterly forsake God, his mercie and truth, the merites of our Saviour Christ, his natiuitie, life, passion, death, resurrection and ascention, the iopes of heauen and euerlasting life, betaking your selues to the diuell the author of all lyes, periurie and deceit: and by forswearing, and forsaking the truth, you doe forsake Christ, the light and truth it selfe. And although that periurie doe escape sometime vnespied and unpunished, and be kept secrete betwene some of you and others, yet your hearts will iudge and repute one an other false, and be suspitious of each others doings: but God being faithfull he will not deny himselfe, and therefore he will not suffer the profanation of his name to be unpunished: also at the last day, when the secrets of all mens hearts shall be opened, then

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Court Leete,

9. the truth and your owne consciences shall accuse you, and Christ the righteous Judge shall iustly condemne you to everlasting death and damnation. For this sinne of periurie God by his * Prophet hath threatned to punish. Wherefore let vs pray vnto God that we may vse such othes as be godly & lawfull, that is, that we sweare not rashly, in trifles, or in matters of no waight, but whē it is needfull and necessarie onely: also that we doe consider the ende, that our othes may serue to the honour of God, and to the houlting out and testifying of a trueth. And thus hauing put you in minde of your dueties and Othes, the which I trust you will diligently weigh and consider in performing and doing the same, to the comfort of your consciences: I will proceed no further therein, but declare vnto you the Articles of your charge.

The charge of Court Leete,

Y⁺ou must vnderstand, that high Treasons, petite Treasons, and Fellonies, which are against the Crowne and dignitie, are to be enquired of and presented in Court Leete: but not punishable there, the which offences ought to be set downe in writing and indented, the one part to remaine with the Steward, the other with the Iurie, and the same must be deliuered to the Iustices of the Assises at the next Gaole holden within the Countie.

First, you shal enquire of high Treasons, as if there be any among you which doe compasse, imagine or intend the death of our Soueraigne Ladie the Quēne: or if any doe vtter the same by words or writing: or if any goe about to make warre against her: or if any bee adherent to any of her enemies. If any counterfeitteth, clippeth, fileth, washeth, or other wise falsifieth the monney of this Realme, or the Coyne of any other Realme, which is enhabled to bee currant within this Realme:

and Court Baron.

or if any counterfeiteth any of the Quenes Seales, as the great Seale or Stampe: these are high Treasons. Also counterfeitng of the Quenes Seale is to take Ware printed With the Quenes Seale, and to fasten it to a wytting not made by the Quene. These are to be enquired of here as Fellonies, and to be certified as aforesayd. Rastal. Treason 26.

Also if any kill his Master or his Mistres: or if a Priest, or other religious man kill his Ordinarie, this is petie Treason, and to be enquired here as Fellonie. 25. E. 3. cap. 2.

Also if any woman kill her husband, it is petie Treason, and it is to be enquired of as Fellonie. 19. H. 6. fol. 47.

Also cutting out of a mans tongue, and putting out his eyes of malice, is Fellonie, and to be enquired of here.

Also Murder is when any of malice purposeth to kill another Felloniously, and it is to be enquired here as bloodshed.

Also Manslaughter as a trespassse is here to be enquired, that is to say, when the place is not appoynted to fight, but suddenly they fight together, and the one killeth the other as they mete by chance, also it is to be enquired here for bloodshed.

Also if one kill another in defending himselfe, he shall lose his goods. The same lawe is where one killeth another by misfortune, &c. Stamf. 15. A.

Also you shall enquire of Rape, which is, if a man ravish any woman against her will, be she wife, widow or mayde, though she afterward consent unto it, it is Fellonie. You shall enquire also of their ayders: for they shall be iudged Ravers, as well as he that did the dede. 22. E. 4. fol. 22.

Burglars are those which in the time of peace, or in the night time with a Fellonious intent to robbe or kill,

Petie treason.

A woman to kill her husband is petie treason. Fellonies.

Murder.

Manslaughter.

In defending himselfe and killing by misfortune. Rape.

Burglarie.

Court Leete,

doe breake any houses, Churches, walles or gates, and enter into them: this is Burglarie, and here to be enquired of. Scam. fol. 30. B.

Robberie.

Robberie is when a man taketh any thing from any other person feloniously, though it were but the valew of a penny: this is felonie, and to be enquired of.

Burning of a house or barne

Also the burning of a house feloniously is felonie: Also burning of Barnes in the night, is to be enquired of.

Robbing of Churches.

Also robbing of Churches or Chappels, and taking of any Ornamentals out of the same feloniously, is felonie, and to be enquired of.

Rescue.

If any rescue any which is taken for felonie, this is felonie, and here to be enquired of.

Taking of Doves.

Also taking of Doves in Dovehouses with a felonious entent, is felonie, and here to be enquired of.

Yong Pigeons and yong Goshawkes.

Also taking of yong Pigeons, or yong Goshawkes in their nests, is felonie, and here to be enquired of.

Taking of fish

Also taking of fish feloniously out of Ponds, to be enquired of. But if the same be taken out of a River, there it is not felonie.

Taking of tame Deere, Signets, Swans, Peacocks.

Also the taking of tame Deere with a felonious entent, is felonie. The same lawe is for the taking of Signets, Swannes marked, and Peacocks, and the same to be enquired of.

Receiuer.

Also if any receiue a Fellones goods, knowing of the felonie which he hath done, this is felonie, and here to be enquired of. And note that all other Fellonies which be felonies by the Common law, are here to be enquired of.

Accessaries.

Accessaries are enquirable, and that is if one procure or commande another to doe a felonie, but not present when he doth it: this procurer or commander is accessarie. Also accessarie after felonie is done, is where one receiueh a fellowe, knowing of the felonie.

Accessory after felonie done.

Escape voluntarie is when one arresteth another for felonie,

and Court Baron.

Fellonie, and after suffereth him to goe whither he wil, this is Fellonie, and also to be enquired of. Escape voluntarie.

Escape negligent is when one is arrested for Fellonie, & after escapeth against his will that arrested him, and if he be not freshly pursued and taken, before they that do pursue, loose the sight of him, he that keepeth him, or his Gaoler, shall loose a grievous fine, and hereof enquire. Escape negligent.

+ Petie Larcenie is taking of any thing with a felonious intent, vnder the value of xij pence: as Hennes, Geese, Pigges, or small things out of windows, and those things are to be enquired of. You shall vnderstand that the Lord of whome the Land is holden, shall haue the Lands by Escheate, where their Tenants bee attainted of Petie Treason, or Fellony, and the King shall haue a yeare, a day and waste, per magn. Chart. Chap. 22. and therefore you must enquire what Landes and Tenements those persons so offending haue, and what goods for the King, except the Lord haue Fellons goods by the King his graunt, 9, H. 7. fol. 23. Also you shall vnderstand that those matters in the charge aforesayd, are to be enquired of and presented as aforesayd, but not punishable here, but they are to be certified by the Steward in Sessions as aforesayd. But the rest of the matters of the charge which ensue, are enquireable and presentable, and be also punishable here in Leete, but not certified as the other were. Petie Larcenie.

Those things which hereunder follow, are

to be presented in Leete, and also

to be punished there.

First you shall enquire if all your Constables, Hedboroughs, Desiners, and all other suitors which owe any suite hither, be here or not, & present all their names that make default. Constables, Hedboroughs.

Court Leete,

Of th' age of
xii. yeares.

Also if any haue dwelt within the Lordship the space of a yere and a day, and be of th' age of xii. yeares, and not sworne to the Quene to be true and faithfull, this is inquirable.

Villanies.

Also you shall enquire if any of the Lords Villaines be fugitive, and remaine elsewhere out of the Lordship, and be not in the alegiance of the King a yere and a day, present the same.

Customes.

Also you shall enquire if any Customes, or seruices due to this Court be holden backe, how, by whome, and in what Wayles tyme the same was, and present the same.

Purprestures.

Also you shall enquire if any Purprestures be made vpon the Land, wood, or water, with blockes, stakes, ditch, hedge, or by, or with any other thing done to the noysance of the people, that is to say, to the multitude, and not onely to one: also if any walles, houses, pales or hedges be made or erected to the noysance of the people, this is to be presented.

High wayes,
waters, ditches
or pathes.

Also if any common highwayes, waters, ditches or pathes be turned out of their Courses, it is to be enquired of.

Encroachment.

Also you shall enquire if any encroachment be made on the Quenes high wayes, of any of the Lords soyle, Common, or one neighbour vpon another, and present it.

Lastalles,
Carrion.

Also if any Lastalles be made in high wayes to the noysance of the people, or if any carrion be cast in the high way, this is inquirable.

Make frayes.

Also if any commonly breake the peace, as making of frayes in disturbance of the people, this is enquirable.

Comon Bar-
retors

Also if there be any common Barretors in the Lordship, as scolders and brawlers to the noysance and disturbance of their neighbours, present their names.

Breakers of
pound.

Also if any breake the common bounde, to take a distresse

and Court Baron.

distresse out of the same, present their names.

Also if any Outcries be made against the Lawes in disturbance of the people, it is to be enquired of.

Outcries against the law.

Also if any Rescous be made within the Segnozie upon the Sheriffe or his Bayliffes, or upon any of the Kings Officers, in disturbing of them to take any person to be arrested, it is to be enquired of.

Rescous made against the Sheriffe or his officers.

Also you shall enquire if any Euil droppers which stand vnder walles or windowes, by night or day, to heare tales and to carrie them to others, to make strife and debate betwene their neighbours, present their names.

Euil droppers.

Also if there be any common breakers of hedges, present their names.

Breakers of hedges.

Also if any keepe and mayntaine anye Bawdry in their houses, it is cause of breaking the peace and is a vice that corrupteth the Common weale, and for that cause it is here to be enquired of.

Keeping of bawdry.

Also if there be any Vagabonds, and those which walke by night, and sleepe in the day, also if there be any that be common hunters of Tauernees or Alehouses, hauing nothing to liue vpon, they are to be enquired of.

Vagabonds, Roberts men.

Also if any goe in message for theues, it is to be enquired of.

To go on message for theues.

Also you shall enquire if any person haue watered any hemp or flaxe in any Riuer, running water, streame or brooke, or in any common ponde where beasts doe vse to drinke, they shall forfeit for every time so doing, one pound, the one parte to the partie grieved, or any other which will sue for the same in the Lette, by action of debt, Bill, plaint, information or otherwise, and present the offenders.

For corrupting the waters.

Also if any haue and vse any measures of bushelles, gallons, Barde or Ell, or false Ballances, or pounds, they are to be enquired of.

False waights.

Also if any vse double poundes, or measures, that is to

Double waights.

Court Leete,

to say, one little or small weight to sell by, and a greater to buy with, in deceiving the people, the same is to be enquired of.

Assise of Bread
and Ale.

Also you shall enquire of th'assise of Bread and Ale, that the same be kept, that is to say, that every one sell according unto the rate and price of grayne, and that the same be made wholesome for man, and hereof enquire.

Tiplers.

Also if Tiplers sell by cuppes or dishes, or measures unsealed and not sealed, it is enquirable.

Butchers and al
other victualers
do sel holosome
meate at a rea-
sonable price.

Also if Butchers, Fishmongers, or other victuallers sell any corrupt victuall, not wholesome for mans body, it is enquirable: also that all other that sell victuall, if they sell the same at a reasonable price, and not to be excessive, having regard to the prices how victualles bee solde in places neere thereabouts, and he that is convicted, shall pay double that he hath received to the partie damaged, and the same is to be enquired of.

Hostler for sel-
ling his Hay &
Oies.

Also that Hostlers doe not sell Hay, nor Oies but at reasonable prices, and that they doe not take for the Bushell, but a halfepenny over the common price in the Market, and that they take nothing for litter, and this is enquireable.

Hostler may
bake his bread.

An Hostler may bake his bread for horses in his house in any thoroughfare Towne, which is no Citie where common Bakers dwell, and if he bake and not make the same according to the prices of graine, it is to be punished in Leete.

Harbouring a-
ny suspect per-
son.

Also if any Hostler or other person, harbour any suspected persons, perceiving them to be of euill behaviour, it is to be enquired of.

Millers.

Also if Millers take any excessive tolle, it is to be enquired of: and he ought to take for tolle but the twenty or 23. grayne according unto the custome, and according unto the strength of the water. Also if the Miller within this Lordship change the graine which he hath ground, it is enquirable.

Also

and Court Baron.

Also it is to be enquired if all the Artificers do make god worke as they ought, and if any make deceit in the same, in deceiving of the people, you ought to present their names.

Artificers.

Also if any Constable, Ale-taster, Bayliffe, or any of other officers within this Lordship, have well and truly done their Offices or no, it is to be inquired.

Misdemeanor of officers.

Also no Purveyor shall make any purveyance for the King his house, of any thing, to the value of fortie shillings or under, except he make ready payment to the partie, upon losing his office, and to pay the value to the partie grieved: and if he doe the contrary, if the Steward or Tythingman, upon complaint to them make no resistance to the Purveyor, they shal forfeit to the partie grieved, the value of the thing taken, and double damages and this is the misdemeanour of these Officers, and of those misdemeanours, and of all others, the Officers are enquirable. Also the Constable ought to see the peace and watch to be observed as it ought.

Purveyor.

Peace and watch.

If any Treasure bee found, that is to say, put in the earth, and no man knoweth who hid the same, this is the Kings, except the Lord have the same by special wordes, or by prescription.

Treasure found.

If any Estrais be, they are enquirable, & that is, if any horse, pigges, hogges, cattell or Swannes, which have come into this Lordship & have been there a yeare and a day, and not claymed, then the Lord may have the propertie of the same by prescription, but the same ought first to be impounded in an open pounce, proclaymed in thre markets next adioyning, and if none claime them, then they shalbe sealed, and ought to be put into some severall land, and not in any couert or wood, where the owner cannot finde them, for if they be in couert the propertie is not changed, though they be there a yeare and a day.

Estrais.

Also you shall enquire whether any Theefe upon

Waife.

bue

hue and crie, or otherwise doth waiste his goods, that is to say, doth leaue or forsake his goods, or any pertell of them, which he hath stolne, by reason whereof the King is lesseed thereof or the Lord by the graunt of the King: such goods are called waistes, and therefore present the same: also if any officer lease vpon any Threes goods, though there be no pursuite made in these cases, the King or the Lord by graunt or prescription shall haue these goods, &c.

Hethar flieth.

If anie flic, that is to say, if any be found by Indite- ment of murder before the Coroner, or if he be indicted of felony, and acquitted and found that he flieth, then he shall forfeit his goods to the king, and the Lord may haue them by Charter, and not by prescription, and this is enquirable.

+ Horse or Mare scabbed.

If any horse or mare be put vpon a waste ground, and be scabbed, or hauing an infectious disease, hee shall forfeit to the Lord of the viz. Franc. Pleg. tenne shillings and this is enquirable.

Exigents

If any Exigent be awarded against one indicted of felony, by the keeping of his goods, they are forfeite, though after he be acquitted of felonie, and the King shall haue his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquire- able.

Outlawed.

If any be outlawed in debt, Trespasse, or other per- sonall action, his goods be forfeited, and the King shall haue them and not the Lord, except it be by Charter, and not by prescription, and this is enquireable.

Y Commō Fine.

Also you shall enquire if the comon Fine haue bene here to be payde according to the custome. and whether the same be gathered according vnto the vsage, this is commonly gathered by the Hedborough.

Stocks.

Note that euery one that hath view of Franc. Pleg. ought to haue Willozie and Stocks to do Justice: also in euery town where there is a Leete, there shall be stocks, and

and Court Baron.

and for default thereof the tolon shal forfeit five pounds, and the same is enquireable.

Also you shall enquire whether any haue used in any of their garments, Helnet, Satten, Damaske, Tassata, Apparell. Sarcenet, Chamlet, or any fures, as Foynes, Tenets, Martines, Squirrel, Fore, Grate, Conie, Hare, or other fures growing within this Land, or golde, or silver, in or vpon any of their garments, otherwise then the Statutes made in the 24. yeare of H. 8. and 1. and 2. of Phil. and Marie doe allow, you shall present the offendours.

Also you shall enquire whether any Baker, Bruer, Vicuallers. Butcher, Cooke, Tipler, &c. doe take excessive gayne or no: also whether they conspire, couenant, promise or make any oth not to sell victuall, but at a certaine price, and present the same.

Also you shall enquire if any Artificers, workmen, Artificers. or laborers haue conspired promised, or made any othes that they will not make or doe their workes but at certaine prices, or not to finish that which another hath begun, or wil doe but certayne worke in a day, present them for they shall forfeit certaine penalties, 24. H. 8. Cap. 12.

Also you shall enquire if any man being the Quenes subiect not lame or maymed, not hauing any lawfull impediment, being within the age of forty yeares, except spirituall men, and Iustices, doe vse and exercise shooting in long-bowes, and whether the fathers of such as be of tender yeares, doe bring vp their children in the knowledge of shooting, and whether euery man childe of five yeares and vppward, haue a bowe and foure shaftes: if they haue not, their gouernours shall forfeit certaine penalties: present therefore such offendours. Archers.

Also you shall enquire if the Buttes bee made and continued, & if your Buts be not made and continued, ye shall forfeit for euery 3. moneths for default thereof xx. s. Buttes.

Tanners, Curriers, and tanned leather.

Also you shall enquire if any Tanner haue offered to be sould any hide of Bull, Ore, Stère, or Cow gathed or cut, whereby the same is deminished, he shall forfeite for every one twelue pence.

Curriers.

Also no Currier ought to currie any leather in a Shoemakers house, and none ought to currie any leather euill tanned.

Crow-nets, and Crow-nests.



Also you shall enquire if there be any Crow-nets, if there be not, the Lord shall haue the moytie of ten shillings, which shall be forfeited by the Parish or Towne for not hauing the same. Also if they destroy not the Crow-nests when they begin to bræde, they shall be amerced.

For the taking and killing of fish.

Also you shall enquire if any person by any meanes haue taken and killed any yong broode Spaune or Frie, of Salmon, Celes, Pikes, or any other fish in any Streame, Riuer, Broke, Floodgate, or in the tayle of any Mill, and present the offenders. And further, when any person hath taken in any of the places aforesayd, any Salmon, or Trowtes out of season, or any Pikes or Pikerels not being in length ten ynches, or any Warbell not being in length twelue ynches, or any Salmon not sixteene ynches: If any haue done so, they shall forfeite certaine penalties.

Breaking the head of any pond,

Also you shall enquire if any breake by day or night the head or damme of any Pond, Doole, or Poate, within which the Lord hath fish, to the intent to scatter, steale, and destroy the fish, he shall pay to the Lord treble damages, and shall be imprisoned thre moneths, and after finde sureties for seven yeares of his good abearing.

Hunting of Deere.

Also you shall enquire if any doe hunt Deere out of the Lords lande, or kill any of his Deere, and present them.

Unlawfull games.

Also you shall enquire if any person doe keepe or maintaine any Common house, Alley, or place of Bowling, Quaytes, Cayles, Tennise, Dicing, Tables, or Carding,

ding, or any other unlawfull games, and present them: if they doe they shall forfeite certaine penalties. Also you shall enquire if any person doe haunt the sayd houses and places. Also further you shall enquire if your Constables and other officers doe make true search in such places which be suspected to be frequented with any unlawfull games, yea or no, if they doe not they shall forfeite certaine penalties, you shall therefore present such offenders. 33. H. 8. Cap. 9.

+ No Stoned Horse being of the age of two yeares, except he be foure tene handfuls high, shall be put to pasture in any Common, Forrest, or Chase, vpon paine of forfeiting the same Horse. Also the sayd lands ought to be yearely driuen at Michaelmas by the Lord, Tything men, Constables, &c. or within fiftene daies after, vpon paine of fortie shillings: and if vpon the same driuing there be found any Mare, Fole, or Gelding, not able to beare Foles, or not able to doe profitable seruice, the same shall be slaine and buried. 32. H. 8. cap. 13.

Horses.

Also you shall enquire if the inhabitants after Robberies and Felonies committed, doe make fresh suite from towne to towne, or from Countie to Countie, or from Hundred to Hundred, according to the Statute of Winchester. 13. E. 1. cap. 2. For if a man be robbed in the day time, and the Thiefe escape and is not taken within halfe a yeare after the Robberie, for lacke of Hue and crye, the Borough or Hundred shall answere to the partie all his goods and damages. Also if any person be killed in a Towne in the day time, and the murderor or manslaughterer escape, not taken nor arrested by those of the Towne, then the Towneship shall be amerced. 18. E. 1.

Hue and crye.

Also you shall enquire if your Constables and Churchwardens haue appoynted any surueiour for the mending of high wayes, leading to Market townes or no, and if any chosen, refuse the same office, he shall pay twentie shillings. Also you shall enquire whether the same sur-

For the mending of high waye.

ueiours haue taken vpon them the sayd office, and put the same in execution: and whether the Parishoners haue done their duties, and present all those that haue offended contrarie to the same Statute, for the offenders shall forfeite certaine penalties.

Scouring of
ditches & cut-
ting of hedges.

Also you shall enquire if the ditches be scoured, and bushes cut according to the Statute made in the first yere of Q. Elizabeth, for not doing of the same they shall forfeite ten shillings.

Nota.

The moztie of all the forfeitures for these Statutes, the Churchwardens shall haue to bestowe vpon the high wayes.

For watering
hempe or flaxe

Also you shall enquire if any person haue watered any Hempe or flaxe in any Riuier, running water, Streame or Brooke, or other common ponde where beafts doe vse to drinke, they shall forfeite for every time so doing one pound, the one part to the partie grieved, or any other which will sue for the same, and shall giue a remedie to sue for the same in Leete by action of debt, bill, plaint, information or otherwise.

Musters.

Also you shall enquire whether any refuse to come to Musters before any person authoized to take the same, he shall be imprisoned for ten daies, except he pay to the King fortie shillings: and if any person appoynted to take Musters receiue any money to release any appointed to serue, he shall forfeite ten times so much as that he receiued. 4. & 5. P.M. cap. 3.

Ryots.

If any person to the number of twelue, make an unlawfull assemblie, as in breaking of Bankes, Enclosures, Parkes, Fishponds, Barnes, Houses, and such like, and proclamation be made by the Sheriffe or Iustice of Peace that they depart, and notwithstanding they remaine together an houre after proclamation made, every such attempt is Felonie. Also every Coppholder being a Yeoman, Husbandman or labourer, of the age of eightene yeares, and under threescore, not sicke,

and Court Baron.

21.

sicke, nor hauing a reasonable excuse, and being required by the Justice, Sheriffe, &c. to apprehend those persons aforesayd, and refuse, shall forfeite his estate during his life, and his Lord may enter. Also the Farmer being a Peoman, &c. refusing, is in the same case to his Landlord. Also it is Felonie if any person without compulsion, bring, sende, or deliuer any money, harnesse, artillerie, weapons, or victuals, to any person assembled in such manner. Also the Justice of Peace or other officer may raise a power to suppress them: and if any officer kill any such rebellious persons, or maim them, they shall be free: and if any person knowe of any such pretended rebellion, and doe not openly declare the same within xx. houres next after such knowledge, he shalbe imprisoned for thre moneths without bayle or maineprie, if he be not discharged by a Justice of Peace: also he that letteth or hindereth that proclamation that the same bee not made, committeth Felonie.

Anno quinto Eliza. cap. 1. If any extoll or set forth the authoritie of the Bishop of Rome against the forme of this Estatute, he shall encur the daunger of a Premunire, and this Estatute is to be declared in Lete.

Of the Queene
and assurance
of her power.

None may trace, destroy, or kill a Leneret in the night with dogge, or other wise, and he that doth it shal forfeit five shillings eight pence. 14. H. 8. cap. 11.

Tracing of
Hares.

Also you shall enquire if those persons which doe sell Wines be thereunto licensed, according vnto the Statute made in the vii. yeare of E. 6. &c. vpon a grieuous paine and forfeiture, and for euery day occupping or selling of Wine without licenses. Also you shall enquire how many there are licensed, and present them. Of this and all other matters and defaults you shall diligently enquire and make a true presentment.

Licenses for
Wine.

Then

Court Leete,

Then after the charge is giuen, the Steward shall commande the Cryer to make proclamation, and after proclamation made three times, the Steward shal say.

If any can enforce the Steward oꝝ this enquest of any petie Treason, Felonie, petie Larcenie, Purpresture, breaking of Wounds, oꝝ of rescues, oꝝ of any other thing done against the peate, oꝝ of any person of euill behaviour within the Leete, oꝝ of any Artificer that doth make deceipt, oꝝ of any other misdemeanour of any officer, oꝝ other person here, oꝝ of any Waife oꝝ Stray, Treasure found, oꝝ of any other thing here to be enquired of; come in and you shall be heard.

Then if any come in he shall be sworne to giue euidence to the Iurie, and after that the Steward shall say to the enquest.

Go you together and enquire of the matters of your charge, and when you be agreed I shall be readie to take your verdite.

**Finis del Charge de
Court Leete.**



THE ORDER OF keeping Court Baron.

The stile of the Court.

Oversey.



Vria Baronis M. L. ibidem tenta die
Martis, videlicet decimo quarto die
Maij, Anno Regni Elizabeth Dei gra-
tia Angliz, Franc. & Hiberniz Reginae
fidei defensoris, &c. 21. tent. per A. B. Senescallum.

After the stile of the Court entered, you shall cause
the Bayliffe to crie once Oyes, and then call the
Jurors.

<i>Examp.</i>	{	John Doe,	{	Rob. Dodge,	{
		Richard Roe,		Tho. Lodge,	
		John Den,		Adam Clark,	
		Richard Fen,		Dauid Parke,	
		Walter Hellen		Henry Loc,	
		Robert Allen,		Willia Croc.	
		<i>Jura-</i>		<i>Ho-</i>	
		<i>tores.</i>		<i>mage.</i>	

After the Jurie is called, the Bayliffe shall crie an
other Oyes, and then the Steward shall say:

If any will be esloyned or enter any playnte, come
in and you shalbe heard.

D

And

Court Leete,

And after the Cesspnes be entered, and your plaints determined, then empanell the Iurie, and sweare them.

After th'enquest is empanelled and swozne, make another Oyes, and say, you good men which be empanelled, come neare, and you and all other keepe silence during your charge.

An exhortation to the Iurie.

M^r Masters, you that be swozne, before I giue you your charge in this Court Baron, I thinke it good to declare vnto you by what authoritie you are commaunded to bee here, and for what cause. Chiefly you are appoynted to be here for that you be the Lords Tenants, and are bound by reason thereof to appeare at the Lords Court Baron when it shal be kept according vnto the lawe, that is to say, at euery thre weekes ende being warned, and being by the same authoritie there to end and determine Iniuries, Trespases, Debts, and other actions, where the debt or damage is vnder fortie shillings. And also that nothing be done within the Manour hurtfull to the inheritance of the Lord of the Manour, which ought to be enquired and presented for the Lord: and that you be the more diligent and carefull in enquiring and presenting the same, I haue ministred an oth vnto you, which is the calling or taking to witnes of God his name, to confirme the trueth of that you shall say and present, minding neither fraud nor deceit, but onely the trueth, not partiall, but seeking the glory of God, the profite of your neighbours, and the common weale of God his people.

The Charge.

First you shall enquire of the suitors which owe any suite to this Court whether they be heires or noe, and present

and Court Baron.

25.

present their names that make default, for they which be absent ought to be present here as well as you, except they haue some lawfull impediment to the contrarie, for they holde their landes aswell to doe their suite as to pay their rent, so that if they doe not their suite they shall bee amerced, or the Lord may haue good remedy for the same: other wise you shall vnderstand, that euery common suitor is bound to the lawes to appeare at the Lords Court Baron at euery thre weekes ende: notwithstanding, the Lord for your ease, (which he esteemeth more then his owne profite) suffereth the same to be kept but sel dome, as appeareth, for which cause euery of the Tenants ought the more willingly to come vnto his Court at such times as he doth appoynt for the same: for if they wilfully absent themselves, then they render euill for good, and besides that they incurre the daunger of perjurie, for when they did their Fealty, they were sworne to be true Tenants vnto their Lorde, and to paie and doo all manner of suites, customes, and seruices due for their Tenements, at their day assigned, and therefore let euery man remember his oth and ducty, and doo his suites and seruices according to the same, or else he shall fall into the daunger aforesaid.

Next you shall enquire whether there bee any Tenants dead sithence the last Court day or before, whose death as yet is not presented, and you shall present the same: also what Landes and Tenements he holdeth of this Lordshippe at the time of his death, and by what seruices, that is to saie, whether it were by Knights seruice, Socage, Tenure, or Coptholde, and what aduantage the Lord shall haue by his death, as Marde, Mariage, Beleefe, Escheate, Fine, Herriot, &c. and who is his next heire, and what age he is of, and in whose keeping, and present it. You shall vnderstand there be diuers manner of Tenures, but most men doo holde by Knights seruice, or Socage tenure.

The tenants are bound to appear at euery 3. weekes end at the Lords Court Baron

What tenantry is dead since the last Court.

What land he holder had by what seruice.

Also who is his next heire.

Court Leete,

And after the Cessoyes be entered, and your plaints determined, then empanell the Iurie, and sweare them.

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What tenantry is dead since the last Court.

What land he holdeth and by what seruice.

Also who is his next heire.

Knights seruice
what it is.

Homage,
fealtie, & Escu-
age Knights
seruice.

Knights seruice
is done by the
body of a man

Knights seruice
draweth vnto
it warde, mari-
age & releefe.

Knights seruice is when the Tenant holdeth of the Lord by Escuage, that is to say, by the seruice of the shield, also to holde by Castle garde, that is to say, to keepe a Castle, or Towre, or dore, or other place of his Lords vpon reasonable warning, whē the Lord heareth y enemies do come into England, y is Knights seruice.

Also he that holdeth by Homage, Fealty, and Escuage, holdeth by Knights seruice. Also he which holdeth of his Lord to blow a horne to warne the men of that countrey when enemies do come into England, holdeth by Knights seruice, and Knights seruice ought alwayes to be done by y body of a man, and that seruice draweth vnto it, Warde, Mariage, and Reliefe: for when such a Tenaunt dieth, seysed, and his heire male within age, and vnmariied, the Lord shall haue the land holden of him, and also the mariage of him vntill he bee of lawfull age, that is to say, the age of xxi. yeares. But if such a Tenant dieth seysed, his heire female being of the age of xiiii. yeares or more, then the Lord shall neither haue the wardship of the Land, nor yet of her body, for that the law entendeth, that a woman of that age may haue a husband able to doe knights seruice: and if she be within the age of xiiii. yeares and vnmariied, then the Lord shall haue the wardship of her land, and also of her body vntill she be of the age of xvi. yeares. And some such Tenants do holde by halfe a Knights seruice, & some by halfe a fee, & some by more, and some by lesse: & if such a Tenant dyeth which holdeth by one Knights fee, & his heire being of full age, then the Lord shall haue Homage and Fealty, & also five pound for a Reliefe, & of him which holdeth by half a Knights fee, ii. pound x. shillings, & he that holdeth by more shall pay more, & he that holdeth by lesse shall pay lesse, you shall therefore present whether any such Tenant died seased of any such lands & Tenements so holden yea, or no.

Also you shall enquire whether any Tenaunt which
held

and Court Baron.

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held by Knights service, made any feoffment to his heire, and after dyed, his heire being within age, yea or no.

And whether any such Tenaunt made any alienation of any such land so holden to any person by collusion, to defeate the Lord of his Warde, or other profit, yea or no, and present that: for in all these cases the Lord shall haue the Warde and marriage of his heire, and also of his lands, as well as if the sayd Tenaunt had dyed seised of the same land.

Alienation by
collusion and
holding by
Knights service

Also you shall enquire whether any such Tenaunt which held by Knights service, did make any feoffment by deed to his use, or any Recognizance by fine to his use, or suffer any recoverie against him to his use, and after dyed, and no Will by him declared, and present it: for in those cases also the Lord shall haue reliefe of his heire, being of full age, and other duties, as well as if his Tenaunt had dyed seised.

Feoffment a
son use, the
land holden in
Knights service

Also you shall enquire whether the heire of such Tenaunt, entred into any such lands so holden, for any condition broken, being made by any of his aunccestors, and present it.

Entree for con-
dition broken.

And whether any such Tenaunt hath entred into any house of Religion, and is there professed yea or no, and present it: for in these cases the Lord likewise shall haue such profit, as hee should haue had if his Tenaunt had dyed seised.

Entree into Re-
ligion.

Also you shall enquire if any Tenaunt which held by Knights service, was disseised of lands so holden, that is to say, put out of them by one which had no rightfull title to the same, and after dyed before any reentree, or any lawfull recoverie had, and present it, for the Lord shall haue the wardship of the bodie of the heire and of his lande, as well as if his Tenaunt had dyed thereof seised.

Disseisin of
the tenaunt, &
death before a-
ny reentree.

Socage Tenure is, as if the Tenaunt holdeth of the

Court Leete,

Wh it Socag:
tenure is.

Lord by fealtie and certaine rent for all manner of seruices, or by homage and fealtie for all manner of seruices, or by fealtie onely for all manner of seruices, or to pay a summe of money for escuage, or to pay a certaine summe of money for Castle gard: al such Tenures are Tenures in Socage: and all other Tenures which are no Tenures by Knights seruice, are Tenures in Socage: and where such Tenaunts dye seysed of any lands so holden, the Lord of whom the land is so holden, after the death of his Tenaunt, can haue no more profite but onely his fealtie and reliefe, that is to say, as much money and seruice as one peres rent doth amount vnto. As if the Tenaunt held by fealtie, and ten shillings for a Reliefe, ouer and besides the ten shillings which he shall pay for his rent, and in such case after the death of the Tenaunt, such reliefe is due to the Lords maintenance, so that the heire be of the age of xiiii. yeares, and he ought to tarrie for his reliefe vntill the day of payment of the rent, but he ought to haue his reliefe maintenan, and for that he may distraine immediatly after the death of his Tenaunt.

Reliefe is as
much money
as one yeares
rent.

A Copyholder
dyeth.

Also if a Copyholder dye sole seysed of any lands or Tenements so holden, his heire being of the age of xiiii. yeares, then he shall pay a fine vnto the Lord and doe fealtie, and be admitted Tenant: but if the heire be within the age of xiiii. yeares, then some Garder shall be admitted to occupie his Copyhold, and to pay and to doe his seruice due for the same, that is to say, if lands discead from the father, then the mother or some of her next kin shall haue the occupation of the same lands, vntill the heire be of the age of fouretene yeares, and they shall a little fine for the Gardership, and the heire at his entrie shall pay the whole fine, you shall enquire thereof and present the same.

Also you shall enquire whether any Tenaunt which held by Socage Tenure, did make any Feoffment in fee
to

and Court Baron.

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to his vse, and dyed seysed of the vse, his heire being with-
in age, and no Will by him declared of the vse, and pre-
sent it : for the Lord shall haue his reliefe, as well as if he
had dyed seysed of the same lands.

Also you shall enquire whether any Freeholder hath
aliened or sould away his Freehold lands or tenements,
or any parcell of them, and present it : for he which hath
bought the land, before he enter, ought to come and giue
notice vnto the Lord that he hath bought the same, and
so the Lord shall knowe his Tenaunt, and the seruice
which the former payd vnto the Lord, shall be appor-
tioned according vnto the valew of the lands.

Whether any
Freeholder
hath aliened
any of his free-
hold lands,

Also you shall enquire whether any which held by
Herriot seruice, or Herriot custome, dyed seysed of any
lands or Tenements so holden, and present it, for their
seruice shall be appor-
tioned : also the Lord shall haue of
euery of their seuerall parts diuers Herriots at their se-
uerall deaths : also if one man haue two seuerall parcels
of lands holden by Herriot seruice, and by two seuerall
titles, and dyeth seysed of the same, the Lord shall haue
after his death two Herriots.

Herriot seruice
Herriot cu-
stome,

Also you shall enquire if any Coppholder dyed seysed
of any lands so holden, and present it : also whether any
Coppholder hath made any lease of his Copphold, or o-
therwise aliened or sould the same, and present it, for it is
a forfeiture of his Copphold : for if a Coppholder will a-
lien or sell away his Copphold, he ought to come into the
Court and surrender the same into the hands of the
Lord, to the vse of him which shall haue the state, or els
out of the Court he ought to surrender it vnto the Bay-
lishe, or to some of the Tenaunts of the Lordship, to the
vse of him which shall haue the state, and they to whom
the surrender is made, ought to present the same at the
next Court, and then pay his fine for the same, and take
it to his vse in the Court, and doe his endeuiour to be ad-
mitted, and if he be not at the same Court, then the Lord
shall

Whether any
Copyholder
dyeth seysed of
any such lands

How a Copy-
holder ought
to surreder his
Copphold

Court Leete,

shall haue the meane profites of the same lands, all the rent seruices and reparations being deducted, vntil he be amerced of his fine according to his dutie.

Whether any
Copyholder
hath made a-
ny surrender.

Also you shall enquire if any Copyholder hath made any surrender of his Copyhold, or any part thereof sithence the last Court day, or before, and present it, and into whose hands it was made, and in whose presence, or to whose vse: for at euery surrender the Lord ought to haue a fine, and the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, & to yield vp his right into the Lords hands, to the vse of the alienor, according vnto y^e trust reposed in him, or otherwise he forfeiteth his Copyhold, except he haue a reasonable excuse: for that he doth as much as he may to defeat the Lord of his fine, and also to defeat the other partie to whose vse the surrender was made.

Mortmaine.

Also you shall enquire if any Tenant of the Lordship haue giuen any lands into mortmaine, & present it.

Mortmaine is if a man giue or sell any landes to any house of religion, or to any other which be corporate by the Knights graunt: also if one make a feoffment vpon trust to the vse of an house of religion, or to the vse of a Gilde or fraternitie Corporate, that is mortmaine.

Also if one exchange landes or Tenements with an Abbot or other body corporate, this is mortmaine. Also if a man of religion or other body corporate doth holde of any man by Knights seruice, and hee release vnto him this his mortmaine, and then the King or L. may enter, & shall haue the same by force, * you shall therefore present them that haue giuen any landes or Tenements in mortmaine.

* A Statute
made thereof
that the king
or Lord shall
haue the same.

Also you shall enquire whether any Tenant for tearme of life or yeares, or any copyholder of this Lordshippe hath made any waste, or suffered any waste to be

Waste.

and Court Baron.

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be done vpon their lands and Tenements, yea or no.

Wast is as when any Tenaunt for tearme of life, yeares, or any Coppholder pulleth downe any house, or cutteth downe any Timber, Trees, or suffereth the house willingly to fall, being on their Copie tenements, or if any of the Tenaunts plough vpon any medowe ground, or if they suffer any wall or pale which were cōuered to be vncouered, by reason whereof the same wall or pale doth fall in decay, or if any of them digge coales, chalke, or sande, or make any Mines in their grounds, then they make wast. Also if they sell a tree to the valew of thre shillings foure pence, this is admitted wast: but if a man cut downe Timber to repaire the olde houses which stand vpon parcell of the same ground, and therewith doth repaire them, then it is no wast: but if he with the Timber build a newe house, then the cutting downe of such timber is wast: Or if he cut downe any timber to sell, to repaire such houses which are fallen in decay, such is wast. But if wast be done with a Tempest, no Tenaunt shall be punished for such wast: but if wast be done by any daunger, the Tenaunt shall be punished for such wast. Also it is no wast to fell in a reasonable time such trees as haue been felled within twentie yeares before: but if a Tenaunt cut downe such trees to burne vpon their Tenements, where they haue wood sufficient, this is wast. Also a Coppholder may not cut downe wood to sell, but he may to burne, vpon his Tenement, or to make reparations as aforesayd.

What wast is,
and how the
same is done.

Also you shall enquire whether any Tenaunt in possession or reversion dyed sealed of any lande or Tenements holden of this Lordshipp, hauing no heire at the time of his death, yea or no, and present it, for then the Lord shall haue the land holden of him by Escheate. You shall vnderstand that none shall haue lands in fee simple as heltes vnto any man, vnesse he be heire of the whole blood,

Whether any
tenant in pos-
session or re-
version dyed
sealed without
any heire.

Court Leete,

blood: for if a man haue issue two sonnes by diuers women, and dyeth seised of the same land, and the eldest entreteth and dyeth without issue, the yongest shall not haue the land as heire vnto the brother, because he is of the halfe blood, but some other heire of the fathers side shall inherite the same land, and if he haue no heire on the fathers side, then the next heire on the mothers side shall not haue the land, but the Lord of whom the land is holden shall haue the land by Escheate, and so when land descendeth on the mothers side, the heire on the mothers side shall enherite, and not the heires of the fathers side. Also you shall vnderstand, that a Bastard can neuer be heire vnto any man, nor yet haue heire vnto himselfe: therefore if any Bastard, or any other Tenaunt haue dyed seised without heires, you shall present it.

+ A bastard may not inherite.

Whether any tenant dyed being put out of lands which he had no right.

Petrie treason, felony or murder committed of any tenant, for which he was hanged, or had iudgement to be hanged.

Whether there be any rents lost, or seruices withdrawn.

Also you shall enquire if any Tenaunt was seised of any lands or Tenements, and was put out of his land by one which had no rightfull title, and after ward dyed without any heire, the Lord shall haue his Escheate as well as if his Tenaunt had dyed seised.

Also you shall enquire whether any Tenaunt of this Lordship hath committed any petie Treason, Felonies, or Murders, for the which he was hanged, or for the which he had iudgement to be hanged, though after ward he payed his charge and was deliuered to the Ordinarie, and present it. And whether any Tenant hath committed any petie Treason, Felonie or Murder, for the which he hath forsworne the Land, for the which he was outlawed, or for the which he was beheaded, or for the which he was overcome by wager of battaile, or by death, and present it: for in all these cases the Lord of whom the lands are holden, shall haue the lands by Escheate, and also the euidences concerning the same.

Also you shall enquire if there bee any Rents, Customs or seruices withdrawn from the Lordship, which of right ought to be done, and present it, and what rents, customs

and Court Baron.

customs and services they are, and by whom they are withdrawne, and where the land lyeth, that the Lord may haue the remedie for the arrerages thereof.

Also you shall enquire whether the Copyholders or the Farmers of this Lordship doe uphold and repaie their Tenements, yea or no, and present the same. You shall vnderstand that euery Tenant is bound to three things: first, that he be true Tenant to his Lord: secondly, that he sufficiently repaie his Tenements: and thirdly, that he pay and doe all suites, customs, and services at his daies assigned: for he tooke vpon him so to do when he did his fealtie: & if he doe not pay his suites, customs & services, the Lord shall haue good remedie & recover the same with his damages: & if he be a Copyholder, and do the contrarie, he doth forfeite his Copyhold.

Whether the tenants doe uphold and repaie their tenements.

Also you shall enquire if any Tenant of this Lordship which is bound by reason of his Tenure to doe suite vnto the Lord, will doe the same yea or no, and present it: and whether any haue vsed to withdrawe their suite from the Lord his Mill, in not grinding their corne there, yea or no, and present it.

Whether any tenant haue withdrawne his services.

Also you shall enquire whether any Waife or Stray, is, or was within this Lordship, and whether the Lord bee answered of the same, yea or no, if not, present by whom they are conueyed away: also you shall enquire if any Herriot be conueyed away, yea or no, and present it, and by whom.

Waife and Stray.

A Waife is if a thiefe vpon hue and crye and pursuite after him, or other wise to ease himselfe of his cariage, without hue and crye doth waife his goods, that is to say, doth leaue and forsake his goods which he hath stolne, or any parcel of the, by reason whereof the King, or any other Lord or officer in his right, or in his owne right do seale the goods, in those cases the goods so sealed are called Waifes, & the same law is, if any officer take any goods of a thiefe, suspecting that he hath stolne them, though there bee no pursuite

What a Waife is.

pursuite made, and in these cases, the King, or els the Lord by reason of a graunt made by the King, or by prescription shall haue the goods so waifed, if the owner of them doe not make fresh suite after the Theefe to attaint him for stealing of the same goods: which fresh suite if he make, he shall haue his goods agayne, though they be waifed, but then he must sue an appeale, and so haue them.

What an estray is.

An estray is as when any Horse, Mare, Oxe, Sheepe, or other Beasts are in the Lordship, and no man knoweth the owner of them, they shall bee sealed unto the use of the King, or to the Lord which hath such an estray by the King his graunt, or by prescription, and if the owner come and make claime within a yeare and a day, then he shall haue it agayne, or els after the yeare and the day the propertie thereof shall bee to the King, or els to the Lord which hath the same by graunt or prescription, so that the Lord make proclamation thereof, according to the lawe, in the next markets, and in the Church.

Rescous.

Also you shal enquire whether any person haue made rescues against the Lord, or any other officer, and present it.

Rescous is when the Lord distreyneth in the land holden of him for his rent, or seruices behind, or if the Lord come vpon the lands and would distreine, and the Tenant or some other will not suffer him, that is Rescous. Also if the Lord distreine for seruice behinde, or for damage sesaunt, and in driving Cattell to pound, the Beastes enter into the house of the owner, if in such case he that distreyneth doth pray deliuerance, and the possessor will not deliuer them, that is a Rescous, therefore you shall present it, if Rescous haue bene made.

Breach of pound.

Also you shall enquire whether any person hath broken the Lords pound, that is, to haue taken away a distresse

and Court Baron.

35.

distresse put in, yea or no, and present it. You shall understand, that if the Lord doe distraine any Tenaunt for Rent, or service behinde; he may impound the same distresse in a common pound if hee will, or in his owne ground, or in his neighbours if hee will, by the licence of his neighbour, and all those places in which the Lord doth impound any Cattell, are called the Lords pound, but not alwayes when another doth impound any distresse in his owne pound or in his neighbours: It becometh him to give notice to the other partie, for that if the distresse be quick he may give it meate, and then if the beast die for want of fode, hee that was distrayned shall be at the losse, and then he that distrayned before may distrayne agayne for the same Rent or duty.

Also you shall enquire if any Tenaunt of this Lordship, hath let any Farme or house fall into decay, which at any time sithence the first yeare of the raigne of King H. 7 hath been let with twenty acres of land being in tilling, yea or no, and present it, for if they suffer their houses to fall into decay, the Lord may take and distraine for halfe of the issues and profits of the same, and keepe to his owne use untill such times as the houses shall be sufficiently builded and repayred, that is to say, mayntayned agayne for husbandry.

Whether any Tenant hath let any Farme fall to decay, viz. not maintained for husbandry as before.

Also you shall enquire if any inhabitance or common haue overcharged the common or high wayes, or your common fieldes, by putting in more Cattell then they ought to keepe, and whether any of them hath put their Cattell in any their commons aforesayd, before the dayes agreed upon, and present it, for the Lord as it seemeth may distrayne the surpluse, damage, Trespaunt, or else you may make among your selues orders and lawes for your owne profite, that none shall doe upon payne of certain penalties, &c. and by such lawes the inhabitants & commoners shall be bound, &c.

Also you shall enquire if any person haue made any

Court Leete,

Whether any
pits be made
in the high
wayes, breac-
king of hedges
hogs vnyoked,
or vnringed.

Stopping
wayes, waters,
&c.

Whether anie
haue encro-
ched.

Whether anie
haue remoued
anic marks

Whether anie
haue stalked
with bush or
beast.

Whether anie
haue or doe
keepe away a-
ny euidences

Whether any
haue fished
fouled, haw-
ked.

Whether anie
haue taken a-
ny Fesants, &c.

Swannes or
swannes egges.

Concealed
land.

pittes in the high wayes, and whether any person doe commonly vse to breake hedges, and to suffer hogges to goe vnyoked, or vnringed, to the annoyauce of their neighbors.

Also you shall enquire whether any person hath strained or stopped any wayes, water, ditches, pathes, or turned any of them into a wrong course, & present it.

Also if any haue encroched any land of the Lordes, that is to say, Land, Medowe, Pasture, Wood, Heath, Moore, or any other vacant land without licence of the Lord, by setting of his hedge, pale, or other wise, and present the same.

Note that all the vacant and waste land within the Manour, is to the Lord of the Manour.

Also you shall enquire whether any person eared, plowed by, or remoued away any Stone marks, baulks or limes betwixen one peece of land and another, & present it.

Also you shall enquire if any haue stalked with a bush or beast to kill Deere which is in the Lords Chase and Parke, and present it.

Also you shall enquire if any person hath, or keepeth away any Euidences, Charters, or Court Rolles, Customearie terres, or any other euidences which concerne the Lordship, or any parcell therof, yea or no, and present it.

Also you shall enquire if any person haue fished, fouled, hawked, or hunted in this Lordship or Lords warren, and present it.

Also you shall enquire if any person haue taken any Fesant, Partridges, with net, snare, or other engine vpon the Freehold of the L. of this Manour, and present it.

Also you shall enquire if any haue taken away the egges of the Lords Swannes out of their nests, and present it.

Also you shall enquire if any lande of the Lordes bee kept backe, or occupied by any without the licence of the Lord: also what land it is, & how much land hath bene

and Court Baron.

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so occupied, and of what value by the year the same is, and present it.

Also you shall enquire whether the Lord have any villain within this Lordship, & what goods, cattels, and landes he hath, what estate he hath, that the L. may seise thereupon: also what other things he hath: also if any villaine carie his goods out of this Lordshippe without licence of the Lord, or if any freeman espouse a wife without licence of the Lord, you shall present the same. Note if a villaine purchase land, and dooth alien the same to another before the Lord enter, then the Lord after shall not enter: other wise it is if the Lord enter before the alienation of y^e villain: the same law is of goods, but the L. may not seise of y^e goods that y^e villain hath as Executor.

Whether the L. have a villain within the Lordship.

Also you shall enquire if any trespass be done in any of the Lords liberty, viz. in his corne, grasse, Medowes, pasture, woods, hedges, waters or ponds, or if any take honie, swarines of Bees, or any Hawkes, or eyrie of Hawkes, or such like trespass, and present them.

Trespass in the corne, grasse, &c.

Also you shall enquire if any land be enclosed, and the same kept in severallie which ought to lie open, without licence of the Lord and other freeholders, you shall present the same, for that no Tenant of the Lordship shall lose the Common in the same.

For inclosing in severallie grounds without licence of the L. &c.

Also if any Copyholder let his Copyholde land for longer time then a year and a day without licence, except it be by custome that he may let for longer time, and if he doe, it is for seiture, and present the same.

A Copyholder may not let longer then a year & a daie.

Also you shall enquire whether any Tenant of this Lordship hath been outlawed in any action of Trespass, or other action and present it: & whether the L. be answered of his goods & cattels, yea or no, & present y^e same.

Whether any be outlawed.

Also you shall enquire whether any Tenant for years or life, have graunted any greater or larger estate then they had in their landes or Tenements, yea or no, and present it, for that is a for seiture of their estate.

Granting greater estates, &c.

Also

Court Leete,

Whether the
Bayliffe & o-
ther officers
doe execute
their office.

Whether the
defaults and
playnts be a-
mended.

Also you shall enquire if the Bayliffe, Hedborough, Constable, and Hayward, and all other Officers haue well and truelie executed their offices, yea or no, and present it.

To conclude, you shall enquire whether all the defaults and playnts that were presented at the last Court be sufficiently amended yea, or no, and whether all the orders and lawes heretofore made be obserued and kept, yea or no, and present it. And further, you shall enquire for al things which in your consciences you think ought to be searched and enquired of, and by the othes that you haue taken you shall truely and diligently enquire of all the premises, and plainly without concealing of any fault, bring in a true verditte in writing, subscribed with your owne handes, sealed with your Seales, by such an houre, or as sone as you can.

And finally if you shall know any thing that ought to be presented to the Lords aduantage, you shall do vs to write by the Oth that you haue made, and bring vs in a true presentment. And now you may depart and enquire of your charge, hauing a regarde of your Othes.

Finis de le Charge de
Court Baron.

E. R. B. V.

